

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT☒ SUPERSEDING**OFFENSE CHARGED**

SEE ATTACHMENT

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE ATTACHMENT

E-filing

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

▶ KAO SAETURN

DISTRICT COURT NUMBER

CR 08-0246 CW

FILED

JUL 16 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, Firearms, and Explosives

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.☐ this prosecution relates to a pending case involving this same defendantMAGISTRATE
CASE NO.☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) AUSA GARTH HIRE

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges ▶2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☒ On another conviction☐ Federal ☒ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer ☐ Yes
been filed? ☒ NoIf "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

PENALTY SHEET ATTACHMENT

UNITED STATES v. KAO SAETURN
CR 08-0246 CW

COUNT ONE

Conspiracy to Interfere with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))

Imprisonment: 20 Years Imprisonment

Fine: Maximum \$250,000

Supervised Release: Maximum 3-Year Term of Supervised Release

Special Assessment: \$100

COUNT TWO

Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))

Imprisonment: 20 Years Imprisonment

Fine: Maximum \$250,000

Supervised Release: Maximum 3-Year Term of Supervised Release

Special Assessment: \$100

COUNT THREE

Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consecutive

Fine: Maximum \$250,000

Supervised Release: Maximum 5-Year Term of Supervised Release

Special Assessment: \$100

COUNT FOUR

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT FIVE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consec. OR
Mandatory Minimum 25 Years Imprisonment Consecutive
(if conviction is second or subsequent 924(c) conviction)
Fine: Maximum \$250,000
Supervised Release: Maximum 5-Year Term of Supervised Release
Special Assessment: \$100

COUNT SIX

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT SEVEN

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consec. OR
Mandatory Minimum 25 Years Imprisonment Consecutive
(if conviction is second or subsequent 924(c) conviction)

Fine: Maximum \$250,000

Supervised Release: Maximum 5-Year Term of Supervised Release

Special Assessment: \$100

COUNT EIGHT

**Attempted Carjacking
(18 U.S.C. § 2119)**

Imprisonment: Maximum 15 Years Imprisonment

Fine: Maximum \$250,000

Supervised Release: Maximum 3-Year Term of Supervised Release

Special Assessment: \$100

COUNT NINE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consec. OR
Mandatory Minimum 25 Years Imprisonment Consecutive
(if conviction is second or subsequent 924(c) conviction)

Fine: Maximum \$250,000

Supervised Release: Maximum 5-Year Term of Supervised Release

Special Assessment: \$100

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

SEE ATTACHMENT

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: SEE ATTACHMENT

E-filing

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

▶ SAN KWEN SAEPHAN aka "Forty"

DISTRICT COURT NUMBER

CR 08-0246 CW

FILED

JUL 16 2008

 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, Firearms, and Explosives

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1)
- ☐
- If not detained give date any prior summons was served on above charges ▶
-
- 2)
- ☐
- Is a Fugitive
-
- 3)
- ☐
- Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)
- ☐
- On this charge
-
- 5)
- ☒
- On another conviction }
- ☐
- Federal
- ☒
- State
-
- 6)
- ☐
- Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☒ No

If "Yes" give date filed

DATE OF ARREST ▶

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶

Month/Day/Year

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

AUSA GARTH HIRE

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments:

PENALTY SHEET ATTACHMENT

UNITED STATES v. SAN KWEN SAEPHAN
CR 08-0246 CW

COUNT ONE

**Conspiracy to Interfere with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT TWO

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT THREE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consecutive
Fine: Maximum \$250,000
Supervised Release: Maximum 5-Year Term of Supervised Release
Special Assessment: \$100

COUNT FOUR

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT FIVE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consec. OR
Mandatory Minimum 25 Years Imprisonment Consecutive
(if conviction is second or subsequent 924(c) conviction)
Fine: Maximum \$250,000
Supervised Release: Maximum 5-Year Term of Supervised Release
Special Assessment: \$100

COUNT SIX

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT SEVEN

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment:	Maximum Life Imprisonment Mandatory Minimum 7 Years Imprisonment Consec. OR Mandatory Minimum 25 Years Imprisonment Consecutive (if conviction is second or subsequent 924(c) conviction)
Fine:	Maximum \$250,000
Supervised Release:	Maximum 5-Year Term of Supervised Release
Special Assessment:	\$100

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

SEE ATTACHMENT

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY:

SEE ATTACHMENT

E-filing

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.▶ JOSEPH VU NGUYENDISTRICT COURT NUMBER
CR 08-0246 CW**FILED**

JUL 16 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, Firearms, and Explosives☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.☐ this prosecution relates to a pending case involving this same defendantMAGISTRATE
CASE NO.☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

AUSA GARTH HIRE**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges ▶2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☒ On another conviction☐ Federal ☒ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☒ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANTBail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

PENALTY SHEET ATTACHMENT

UNITED STATES v. JOSEPH VU NGUYEN
CR 08-0246 CW

COUNT TEN

Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))

Imprisonment: 20 Years Imprisonment

Fine: Maximum \$250,000

Supervised Release: Maximum 3-Year Term of Supervised Release

Special Assessment: \$100

COUNT ELEVEN

Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consecutive

Fine: Maximum \$250,000

Supervised Release: Maximum 5-Year Term of Supervised Release

Special Assessment: \$100

COUNT TWELVE

Felon in Possession of Firearm and Ammunition
(18 U.S.C. § 922(g)(1))

Imprisonment: 10 Years Imprisonment

Fine: Maximum \$250,000

Supervised Release: Maximum 3-Year Term of Supervised Release

Special Assessment: \$100

COUNT THIRTEEN
Possession of a Controlled Substance (Methamphetamine)
(21 U.S.C. § 844(a))

If 21 U.S.C. § 851 Information alleging prior narcotics conviction NOT FILED:

Imprisonment:	Maximum 1 Year Imprisonment
Fine:	Maximum \$1,000
Supervised Release:	Maximum 1-Year Term of Supervised Release
Special Assessment:	\$25

If 21 U.S.C. § 851 Information alleging prior narcotics conviction FILED:

Imprisonment:	Maximum 2 Years Imprisonment (one prior) Mandatory Minimum 15 Days Imprisonment (one prior) Maximum 3 Years Imprisonment (two priors) Mandatory Minimum 90 Days Imprisonment (two priors)
Fine:	Maximum \$2,500 (one prior) Maximum \$5,000 (two priors)
Supervised Release:	Maximum 1-Year Term of Supervised Release
Special Assessment:	\$100

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

SEE ATTACHMENT

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY:

SEE ATTACHMENT

E-filing

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

DAVIS KIET DANG

DISTRICT COURT NUMBER

CR 08-0246 CW

FILED

JUL 16 2008

 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, Firearms, and Explosives

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

AUSA GARTH HIRE

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments:

PENALTY SHEET ATTACHMENT

UNITED STATES v. DAVIS KIET DANG
CR 08-0246 CW

COUNT ONE

Conspiracy to Interfere with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))

Imprisonment: 20 Years Imprisonment

Fine: Maximum \$250,000

Supervised Release: Maximum 3-Year Term of Supervised Release

Special Assessment: \$100

COUNT TWO

Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))

Imprisonment: 20 Years Imprisonment

Fine: Maximum \$250,000

Supervised Release: Maximum 3-Year Term of Supervised Release

Special Assessment: \$100

COUNT THREE

Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consecutive

Fine: Maximum \$250,000

Supervised Release: Maximum 5-Year Term of Supervised Release

Special Assessment: \$100

COUNT FOUR

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT FIVE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consec. OR
Mandatory Minimum 25 Years Imprisonment Consecutive
(if conviction is second or subsequent 924(c) conviction)
Fine: Maximum \$250,000
Supervised Release: Maximum 5-Year Term of Supervised Release
Special Assessment: \$100

COUNT FOURTEEN

**Possession of a Controlled Substance (Methamphetamine)
(21 U.S.C. § 844(a))**

If 21 U.S.C. § 851 Information alleging prior narcotics conviction NOT FILED:

Imprisonment: Maximum 1 Year Imprisonment
Fine: Maximum \$1,000
Supervised Release: Maximum 1-Year Term of Supervised Release
Special Assessment: \$25

If 21 U.S.C. § 851 Information alleging prior narcotics conviction FILED:

Imprisonment: Maximum 2 Years Imprisonment (one prior)
Mandatory Minimum 15 Days Imprisonment (one prior)

Maximum 3 Years Imprisonment (two priors)
Mandatory Minimum 90 Days Imprisonment (two priors)

Fine: Maximum \$2,500 (one prior)
Maximum \$5,000 (two priors)

Supervised Release: Maximum 1-Year Term of Supervised Release

Special Assessment: \$100

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

SEE ATTACHMENT

- ☐
- Petty
-
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- Minor
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- Misdemeanor
-
- ☒
- Felony

PENALTY:

SEE ATTACHMENT

E-filing

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

JANTAR PHUN aka "Kelley"

DISTRICT COURT NUMBER
CR 08-0246 CW**FILED**

JUL 16 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, Firearms, and Explosives

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per (circle one) FRCrp 20, 21, or 40. Show District

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MAGISTRATE
CASE NO.
☒ prior proceedings or appearance(s)
before U.S. Magistrate regarding this
defendant were recorded under

08-70133 WDB

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) AUSA GARTH HIRE

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior
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- 2) ☐ Is a Fugitive
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- 5) ☐ On another conviction } ☐ Federal ☐ State
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If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
DATE OF
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☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

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Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET ATTACHMENT

UNITED STATES v. JANTAR PHUN
CR 08-0246 CW

COUNT ONE

**Conspiracy to Interfere with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT TWO

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT THREE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consecutive
Fine: Maximum \$250,000
Supervised Release: Maximum 5-Year Term of Supervised Release
Special Assessment: \$100

COUNT FOUR

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT FIVE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consec. OR
Mandatory Minimum 25 Years Imprisonment Consecutive
(if conviction is second or subsequent 924(c) conviction)
Fine: Maximum \$250,000
Supervised Release: Maximum 5-Year Term of Supervised Release
Special Assessment: \$100

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

CR-08-0246 CW

E-filing

FILED
2008 JUL 16 PM 2:52
DIANNE D. HUNTING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

V.

KAO SAETURN, SAN KWEN SAEPHAN,
aka "Forty," JOSEPH VU NGUYEN,
DAVIS KIET DANG, aka Kiet Dang,
aka Kiet Davis Anh Dang, aka Kiet
Davisanh Dang, and JANTAR PHUN,
aka "Kelley",

DEFENDANT(S).

SECOND SUPERSEDING INDICTMENT

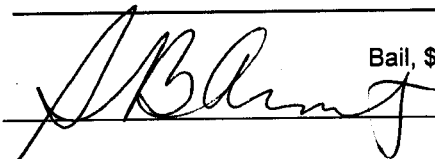
18 U.S.C. § 1951(a) – Conspiracy to Interfere with Commerce by Robbery and Extortion; 18 U.S.C. § 1951(a) – Interference with Commerce by Robbery and Extortion; 18 U.S.C. § 924(c)(1)(A)(ii) – Using/Carrying/Brandishing a Firearm During and in Relation to a Crime of Violence; 18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition; 21 U.S.C. § 844(a) – Possession of Methamphetamine

A true bill.


Deputy Foreman

Filed in open court this 16th day of
July 2008

Clerk


Bail, \$ 7/16/08

~~0 bail warrants for:~~ KAO Saeturn
San Kwen Saephon
Joseph Vu Nguyen

0 process for Jantar Phun and
Davis Dang

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

FILED

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
KAO SAETURN,
SAN KWEN SAEPHAN,
aka "Forty,"
JOSEPH VU NGUYEN,
DAVIS KIET DANG,
aka Kiet Dang,
aka Kiet Davis Anh Dang,
aka Kiet Davisanh Dang, and
JANTAR PHUN,
aka "Kelley,"
Defendants.

No. CR 08-0246 CW

VIOLATIONS: 18 U.S.C. § 1951(a) –
Conspiracy to Interfere with Commerce by
Robbery and Extortion; 18 U.S.C. § 1951(a)
– Interference with Commerce by Robbery
and Extortion; 18 U.S.C. § 924(c)(1)(A)(ii)
– Using/Carrying/Brandishing a Firearm
During and in Relation to a Crime of
Violence; 18 U.S.C. § 922(g)(1) – Felon in
Possession of a Firearm and Ammunition;
21 U.S.C. § 844(a) – Possession of
Methamphetamine

OAKLAND VENUE

SECOND SUPERSEDING INDICTMENT

SECOND SUPERSEDING INDICTMENT

1 The Grand Jury charges:

2 COUNT ONE: (18 U.S.C. § 1951(a))

3 Beginning no later than December 30, 2007, and continuing to on or about January 8,
4 2008, defendants

5 KAO SAETURN,
6 SAN KWEN SAEPHAN,
7 aka "Forty,"
8 DAVIS KIET DANG,
9 aka Kiet Dang,
aka Kiet Davis Anh Dang,
aka Kiet Davisanh Dang, and
JANTAR PHUN,
aka "Kelley,"

10 did knowingly and intentionally conspire with each other and others known to the Grand Jury to
11 obstruct, delay, and affect commerce and the movement of articles and commodities in
12 commerce by robbery and extortion, in violation of Title 18, United States Code, Section
13 1951(a).

14
15 COUNT TWO: (18 U.S.C. § 1951(a))

16 On or about December 30, 2007, in the Northern District of California, defendants

17 KAO SAETURN,
18 SAN KWEN SAEPHAN,
19 aka "Forty,"
20 DAVIS KIET DANG,
21 aka Kiet Dang,
aka Kiet Davis Anh Dang,
aka Kiet Davisanh Dang, and
JANTAR PHUN,
aka "Kelley,"

22 did knowingly and intentionally obstruct, delay, and affect commerce and the movement of
23 articles and commodities in commerce by robbery and extortion, in violation of Title 18, United
24 States Code, Section 1951(a).

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SECOND SUPERSEDING INDICTMENT

1 COUNT THREE: (18 U.S.C. § 924(c)(1)(A)(ii))

2 On or about December 30, 2007, in the Northern District of California, defendants

3 KAO SAETURN,
4 SAN KWEN SAEPHAN,
5 aka "Forty,"
6 DAVIS KIET DANG,
7 aka Kiet Dang,
8 aka Kiet Davis Anh Dang,
9 aka Kiet Davisanh Dang, and
10 JANTAR PHUN,
11 aka "Kelley,"

12 did knowingly and intentionally use, carry, and brandish a firearm, during and in relation to a
13 crime of violence, namely, obstructing, delaying, and affecting commerce and the movement of
14 articles and commodities in commerce by robbery and extortion, as charged in Count Two of this
15 Second Superseding Indictment, in violation of Title 18, United States Code, Section
16 924(c)(1)(A)(ii).

17 COUNT FOUR: (18 U.S.C. § 1951(a))

18 On or about January 6, 2008, in the Northern District of California, defendants

19 KAO SAETURN,
20 SAN KWEN SAEPHAN,
21 aka "Forty,"
22 DAVIS KIET DANG,
23 aka Kiet Dang,
24 aka Kiet Davis Anh Dang,
25 aka Kiet Davisanh Dang, and
26 JANTAR PHUN,
27 aka "Kelley,"

28 did knowingly and intentionally obstruct, delay, and affect commerce and the movement of
29 articles and commodities in commerce by robbery and extortion, in violation of Title 18, United
30 States Code, Section 1951(a).

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SECOND SUPERSEDING INDICTMENT

1 COUNT FIVE: (18 U.S.C. § 924(c)(1)(A)(ii))

2 On or about January 6, 2008, in the Northern District of California, defendants

3 KAO SAETURN,
4 SAN KWEN SAEPHAN,
5 aka "Forty,"
6 DAVIS KIET DANG,
7 aka Kiet Dang,
8 aka Kiet Davis Anh Dang,
9 aka Kiet Davisanh Dang, and
10 JANTAR PHUN,
11 aka "Kelley,"

12 did knowingly and intentionally use, carry, and brandish a firearm, during and in relation to a
13 crime of violence, namely, obstructing, delaying, and affecting commerce and the movement of
14 articles and commodities in commerce by robbery and extortion, as charged in Count Four of this
15 Second Superseding Indictment, in violation of Title 18, United States Code, Section
16 924(c)(1)(A)(ii).
17

18 COUNT SIX: (18 U.S.C. § 1951(a))

19 On or about January 8, 2008, in the Northern District of California, defendants

20 KAO SAETURN, and
21 SAN KWEN SAEPHAN,
22 aka "Forty,"

23 did knowingly and intentionally obstruct, delay, and affect commerce and the movement of
24 articles and commodities in commerce by robbery and extortion, in violation of Title 18, United
25 States Code, Section 1951(a).
26

27 COUNT SEVEN: (18 U.S.C. § 924(c)(1)(A)(ii))

28 On or about January 8, 2008, in the Northern District of California, defendants

29 KAO SAETURN, and
30 SAN KWEN SAEPHAN,
31 aka "Forty,"

32 did knowingly and intentionally use, carry, and brandish a firearm, during and in relation to a
33 crime of violence, namely, obstructing, delaying, and affecting commerce and the movement of
34 articles and commodities in commerce by robbery and extortion, as charged in Count Six of this

35 SECOND SUPERSEDING INDICTMENT

1 Second Superseding Indictment, in violation of Title 18, United States Code, Section
2 924(c)(1)(A)(ii).

3
4 COUNT EIGHT: (18 U.S.C. § 2119)

5 On or about January 22, 2008, in the Northern District of California, defendant
6 KAO SAETURN,
7 with the intent to cause death and serious bodily harm, did attempt to take by force and violence
8 and by intimidation a motor vehicle that had been transported, shipped, and received in interstate
9 and foreign commerce, from the person and presence of another, in violation of Title 18, United
10 States Code, Section 2119.

11
12 COUNT NINE: (18 U.S.C. § 924(c)(1)(A)(ii))

13 On or about January 22, 2008, in the Northern District of California, defendant
14 KAO SAETURN,
15 did knowingly and intentionally use, carry, and brandish a firearm, during and in relation to a
16 crime of violence, namely, attempted carjacking, as charged in Count Eight of this Second
17 Superseding Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).

18
19 COUNT TEN: (18 U.S.C. § 1951(a))

20 On or about February 3, 2008, in the Northern District of California, defendant
21 JOSEPH VU NGUYEN,
22 did knowingly and intentionally obstruct, delay, and affect commerce and the movement of
23 articles and commodities in commerce by robbery and extortion, in violation of Title 18, United
24 States Code, Section 1951(a).

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SECOND SUPERSEDING INDICTMENT

1 COUNT ELEVEN: (18 U.S.C. § 924(c)(1)(A)(ii))

2 On or about February 3, 2008, in the Northern District of California, defendant
3 JOSEPH VU NGUYEN,
4 did knowingly and intentionally use, carry, and brandish a firearm, during and in relation to a
5 crime of violence, namely, obstructing, delaying, and affecting commerce and the movement of
6 articles and commodities in commerce by robbery and extortion, as charged in Count Ten of this
7 Second Superseding Indictment, in violation of Title 18, United States Code, Section
8 924(c)(1)(A)(ii).

9
10 COUNT TWELVE: (18 U.S.C. § 922(g)(1))

11 On or about February 6, 2008, in the Northern District of California, defendant
12 JOSEPH VU NGUYEN,
13 having previously been convicted of a felony crime punishable by a term of imprisonment
14 exceeding one year, did knowingly and intentionally possess, in and affecting interstate
15 commerce, a firearm, namely, a KBI, Model PMK-380, .380 caliber, semi-automatic pistol, with
16 an obliterated serial number, and ammunition, namely, eight rounds of Winchester .380 caliber
17 ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

18
19 COUNT THIRTEEN: (21 U.S.C. § 844(a))

20 On or about February 6, 2008, in the Northern District of California, defendant
21 JOSEPH VU NGUYEN,
22 did knowingly and intentionally possess a Schedule II controlled substance, namely, a mixture
23 and substance containing a detectable amount of methamphetamine, that was not obtained
24 directly, or pursuant to a valid prescription and order, from a practitioner acting in the course of
25 his or her professional practice, in violation of Title 21, United States Code, Section 844(a).

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SECOND SUPERSEDING INDICTMENT

1 COUNT FOURTEEN: (21 U.S.C. § 844(a))

2 On or about February 6, 2008, in the Northern District of California, defendant

3 DAVIS KIET DANG,
4 aka Kiet Dang,
5 aka Kiet Davis Anh Dang,
6 aka Kiet Davisanh Dang,

7 did knowingly and intentionally possess a Schedule II controlled substance, namely, a mixture
8 and substance containing a detectable amount of methamphetamine, that was not obtained
9 directly, or pursuant to a valid prescription and order, from a practitioner acting in the course of
10 his or her professional practice, in violation of Title 21, United States Code, Section 844(a).


11 DATED:


A TRUE BILL.

12 July 16, 2008

13 Deputy 
14 FOREPERSON

15 JOSEPH P. RUSSONIELLO
16 United States Attorney

17 
18 BRIAN J. STRETCH
19 Chief, Criminal Division

20 (Approved as to form: 
21 AUSA GARTH HIRE
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SECOND SUPERSEDING INDICTMENT